

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ADVANCED ADVISORS G. P.

Plaintiff(s),

v.

STEPHEN BERMAN, et al.

Defendant(s).

Case No:
2:14-cv-01420-JAK-SS

**ORDER RE PILOT PROGRAM
FOR UNDER SEAL DOCUMENTS**

This Court is participating in a pilot program with respect to the submission of all under seal documents. Such documents shall be presented to the Court as follows:

**I. FOR REQUESTS TO SEAL DOCUMENTS ONLY, NOT THE
APPLICATION AND ORDER:**

1. Electronically file the application to seal and the declaration giving notice or proof of service.
2. Attach a proposed order to the electronically filed application (standard procedure for filing application with a proposed order).
3. Indicate which of the three following actions will be taken if the application is denied:

- 1 a. Counsel will file the document(s) in their entirety for public
- 2 view and consideration by the Court;
- 3 b. Counsel will contact the Courtroom Deputy Clerk to pick up
- 4 the chambers' cop(ies) of the document(s) within 24 hours; or
- 5 c. Counsel will request that the Courtroom Deputy Clerk destroy
- 6 the chambers' cop(ies) of the document(s).

7 Note: If counsel opt for (b) above and do not contact the
8 Courtroom Deputy Clerk within 24 hours, the documents will
9 be destroyed.

- 10 4. After electronically filing the application and proof of service, send
11 an email to JAK_Chambers@cacd.uscourts.gov with an attachment
12 containing: (i) an Adobe PDF version of the application to seal and
13 declaration giving notice or proof of service; (ii) a Word or WP
14 version of the proposed order (including the proposed action to be
15 taken if the application is denied (*see* 3., above)); and (iii) an Adobe
16 PDF of the document(s) to be filed under seal with a caption page
17 clearly marked "UNDER SEAL." The subject line of the email
18 should include: (a) the case number; (b) the name of the represented
19 party; and (c) the words "UNDER SEAL REQUEST." If the size
20 of the email requires a second email that is a continuation of the
21 under seal document(s), the subject line shall also include "Part 1
22 or "Part 2," etc.
- 23 5. A non-blue backed, tabbed (if appropriate) mandatory paper
24 chambers' copy of the document(s) listed above (together in one
25 envelope) must be delivered to Judge Kronstadt's courtesy box,
26 outside of Room 181-L, 255 E. Temple St., Los Angeles, California
27 by noon on the day after submission. The envelope shall include the
28 words "COURTESY COPIES FOR UNDER SEAL REQUEST."

1 **II. FOR REQUESTS TO SEAL THE APPLICATION, ORDER AND**

2 **DOCUMENT(S):**

3 1. Electronically file a NOTICE OF MANUAL FILING indicating that
4 the following have been submitted to the Court: (i) an application
5 to seal; (ii) a declaration giving notice or a proof of service; (iii) a
6 proposed order; and (iv) the documents to be placed under seal.

7 2. Send an email to the chambers' email at JAK_Chambers@cacd.
8 uscourts.gov with an attachment containing: (i) an Adobe PDF
9 version of the application to seal and declaration giving notice or
10 proof of service; (ii) a Word or WP version of the proposed
11 order (including the proposed action to be taken if the application
12 is denied); and (iii) an Adobe PDF of the document(s) to be filed
13 under seal with a caption page, clearly marked "UNDER SEAL."
14 The subject line of the email should include: (a) the case number;
15 (b) the name of the represented party; and (c) the words "UNDER
16 SEAL REQUEST." If the size of the email requires a second email
17 that is a continuation of the under seal document(s), the subject line
18 also include "Part 1" or "Part 2," etc.

19 3. A non-blue backed, tabbed (if appropriate) mandatory paper chambers'
20 copy of the documents listed above (all in one envelope) must be
21 delivered to Judge Kronstadt's courtesy box, outside of Room 181-L,
22 255 E. Temple St., Los Angeles, California by noon on the day after
23 submission. The envelope shall include the words "COURTESY
24 COPIES FOR UNDER SEAL REQUEST."

25 **III. OTHER IMPORTANT INFORMATION REGARDING**

26 **APPLICATIONS TO FILE UNDER SEAL:**

27 1. All applications must provide the reason(s) why the parties' interest

1 in maintaining the confidentiality of the document(s) outweighs the
2 public's right of access to materials submitted in connection with a
3 judicial proceeding.

4 2. Any sealed document must clearly mark the information that is
5 confidential or privileged via highlighting in color and/or using brackets.

6 3. All applications must identify which portions of the documents to be
7 under seal are confidential.

8 4. If a party submits an application to file under seal solely because such
9 materials have been designated as confidential by one or more parties
10 pursuant to a protective order, **the application will be denied** unless
11 the Court receives within 48 hours from the notice of filing a document
12 providing (i) the reasons the document should be filed under seal;
13 and (ii) the portions within the document that are confidential. This
14 document shall be entitled: "ADDENDUM TO APPLICATION TO
15 FILE UNDER SEAL PURSUANT TO PROTECTIVE ORDER."

16 5. The title of the pleading will be placed on the public docket entry.
17 For example: "Declaration of John Doe, Exhibit A." If approved, the
18 document itself will be sealed and not viewable by the public, but
19 the entry (title) will be indicated in the docket entry, which may be
20 viewed by the public.

21 6. Counsel shall adhere to L.R. 5-4.3.1 with respect to the size of the
22 PDF and, prior to submitting any document(s) to the Court for
23 consideration, shall review each such document to confirm that
24 none is presented with any missing pages.

25 7. All PDF documents shall be searchable.

26 8. Exhibits can either be attached to the document to which it refers
27 or submitted as a separate Adobe PDF. Any separate filing shall
28 contain a title page pursuant to L.R. 11-3.8, which shall indicate

1 the exhibits attached thereto, *e.g.*, "Exhibits 1–10 to Defendant's
2 Motion to Dismiss."

3 9. Proposed orders granting or denying a motion are not required.

4 **IT IS SO ORDERED.**

5 Dated: March 17, 2014

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7 John A. Kronstadt
8 United States District Judge

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